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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|-------------|----------------------|------------------------|-------------------------|--|
| 09/347,110 | 07/02/1999 | MICHAEL P. WELLMAN | TDYNP001 | 3364 | |
| 7590 03/31/2004 | | | EXAM | EXAMINER | |
| Andre M. Gibbs | | | ABDI, K | ABDI, KAMBIZ | |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP | | | ART UNIT | PAPER NUMBER | |
| 12400 Wilshire Boulevard Seventh Floor | | | | | |
| Los Angeles, CA 90025 | | | 3621 | | |
| | | | DATE MAILED: 03/31/200 | DATE MAILED: 03/31/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Advisory Action 09/347,110 | | Applicati n No. | Applicant(s) | | | | | |
|---|---|-----------------|---------------------|-----|--|--|--|--|
| Examiner Art Unit 3621 | Advisory Action | 09/347,110 | WELLMAN, MICHAEL P. | | | | | |
| The RAILING DATE of this communication appears on the cover sheet with the corresp indence address = THE REPLY FILED 04 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper rely to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filled Motion of this application. A proper rely to a final rejection under 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] The period for reply expires 2 months from the mailing date of the final rejection. The period for reply expires 3. months from the mailing date of the final rejection. The period for reply expires 3. months from the mailing date of the final rejection. NLYCHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLETION. See MPTE Extensions of time may be obtained under 37 CFR 1.13(4). In the date on which the petition under 37 CFR 1.13(4) and the period of the mailing date of the final rejection. Only CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY TON. See MPTE Extensions of time may be obtained under 37 CFR 1.13(4). In the date on which the petition under 37 CFR 1.13(4) and the ender of the proposes of determining the period of extension and the corresponding amount of the fea. The appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fea. The appropriate extension fee the under 37 CFR 1.13(4) and calculated from: (1) the expiration date of the shortened statulor period of reply regioned the final rejection. Period of the final rejection, even if timely filled, may add the submit the adjusted from: (1) the period set forth in 37 CFR 1.19(2), to avoid dismissal of the final rejection, even if timely filled the period set forth in 37 CFR 1.19(2), to avoid dismissal of the final rejection, even if timely filled the period set of the final rejection of the final rej | , iationy riodon | Examiner | Art Unit | | | | | |
| THE REPLY FILED 04 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b) | <i>m</i> | Kambiz Abdi | 3621 | MUI | | | | |
| Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filled amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] The period for reply expires 2:months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire some the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, only of the final rejection only of the final rejection of the reply expires of the mailing date of the statutory Action, or (2) the date set forth in the final rejection, only of the final rejection of the reply expires of the mailing date of the final rejection of the reply expires of the mailing date of the final rejection of the reply expires of the mailing date of the final rejection of the reply expired in the properties of the reply expired the reply expired and the reply expired to the final rejection, expired the reply expired the reply expired to the reply expired to the reply expired the reply expired to the reply | The MAILING DATE of this communication appears on the cover sheet with the corresp ndence address | | | | | | | |
| The period for reply expires 3_months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of this Advoxy Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expire later than \$1X MONTHS OF THE FINAL REJECTION. See MPEP Extension of the reply to obtained under 37 CFR 1.13(a) is calculated from: (1) the expiration date of the shortest date of the period of the final rejection. See MPEP Extension of the new been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any examed patent term adjustment. See 37 CFR 1.13(a), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: NOTE: NOTE: NOTE: NOWIP proposed or amended claim(s) would be allowable if submitted in a separate, timely filled amendment canceling the non-allowable claim(s). **NOTE:** NOTE:** NOTE:** NOTE:** 1. Pewly proposed or amended claim(s) will not be entered because: ** 2. The all affidavit, ble exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: ** 2. The all affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. Liam(s) allowed: Claim(s) allowed | THE REPLY FILED 04 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued | | | | | | | |
| to period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply expire later than SIX MONTHS from the mailing date of than rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee when 27 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 1 | PERIOD FOR REPLY [check either a) or b)] | | | | | | | |
| 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. | b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if | | | | | | | |
| (a) | 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. | | | | | | | |
| (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3 Applicant's reply has overcome the following rejection(s): 4 Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5 The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6 The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7 For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 8 The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9 Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) JOHN W. HAYES | 2. The proposed amendment(s) will not be entered because: | | | | | | | |
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| 10. ☐ Other: JOHN W. HAYES | | | | | | | | |
| JOHN W. HAYES | 10. □ Other: | | | | | | | |
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Sontinuation of 2. NOTE:

Continuation of 5. does NOT place the application in condition for allowance because: Examiner would like first to enter to the records that in the office action mailed on February 24, 2004 examiner inadvertently marked box no. 5 in the "Office Action Summary". This has been an error from the side of the examiner and no claim has been indicated allowable in the office action itself as it is evident by the content of the office action. Examiner contacted the attorney of record and explained the error and it was clarified. Attorney of record based on this understanding of the error will submit further amended claims and proper response to the office action. The amendment received by the office constituted a none responsive amendment. The amendment has not been entered.